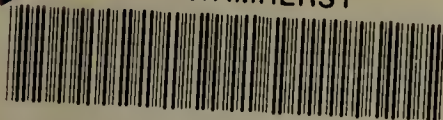


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GOVERNOR'S COMMISSION ON ADOPTION AND FOSTER CARE

REPORT TO GOVERNOR SARGENT

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Introduction

The Governor's Commission on Adoption and Foster Care was established by Executive Order in August, 1970. Your Order directed the Commission:

(A) To identify important problems in Massachusetts relating to adoption and foster care;

(B) To evaluate existing procedures relating to adoption and foster care;

(C) From time to time to make specific recommendations to the Governor and to the General Court for changes in the statutes or procedures relating to adoption and foster care.

The design of this Report is to keep Your Excellency informed of the effort and accomplishment of the Commission thus far; to delineate the deficiencies which have been found in foster care; and to describe what we believe must be done to provide adequate assistance to the 6,000 children in foster care and to their families.

The first meeting of the Commission was held in September of 1970. Members were assigned to three sub-committees and concentrated their efforts on particular areas of concern. The Sub-Committee on Research and Recommendation was given the task of providing the Commission with specific data, then almost totally lacking, on children in foster care and those eligible for adoption.

The Sub-Committee on Changes in the Law has been examining Massachusetts statutes on adoption and foster care and recommending for Commission action appropriate legislative reform. The Sub-Committee on State and Private Agencies has been exploring the inadequacies in the procedures and interaction of the various agencies charged with providing foster care and adoptive service in the Commonwealth.

Additional sub-committees have subsequently been formed to study additional problems as they have arisen: a Sub-Committee on Services to Keep Children in Their Own Homes; a Committee to Explore the Needs of Young Mothers; a Committee on the Role of the Courts; and a Committee on Liaison (with other agencies conducting parallel studies).

Foster Care Study

Almost from the outset, it became clear to the Commission that there existed a glaring lack of available specific information about the children in foster care and those awaiting adoption. For example, it was not known even approximately how many foster care children there were in the Commonwealth. Before the Commission could make worthwhile recommendations, it was clear that it would have to have more accurate information about these children than was then available. So, in April of 1971, a legislative appropriation was obtained for this purpose and the decision was made to gather data on all children in foster homes under the supervision of every public and private agency in the Commonwealth as of a particular date. The basic objectives of the study were:

- (1) To establish a profile of children in foster home care in Massachusetts with respect to their characteristics and legal status.
- (2) To discover the detail of the relationship of children in foster care to their natural parents and the personnel of the agency supervising their placement.
- (3) To determine what the experiences of children in foster care have been with regard to the number of foster homes in which they had been placed and the reasons therefor.
- (4) To identify available alternatives to foster home care and to determine the extent which they have been utilized with emphasis upon programs to keep children in their own homes.
- (5) To delineate the difficulties foster parents face in caring for these children and to discover means to improve the quality of foster home programs.
- (6) To develop specific recommendations to bring about increased effectiveness in foster home programs.

Dr. Alan Gruber, Adjunct Associate Professor of Research at Boston University School of Social Work, was engaged by the Commission to conduct this study. He and his staff set about to collect data on every child who was in foster care on November 18, 1971. Questionnaires were distributed to each of the Department of Public Welfare's regional offices and to the thirty-nine licensed private child care agencies in the Commonwealth. The study has now been completed; and its findings accompany this Report. The results of the study should serve both as a shock and as a challenge to any citizen of Massachusetts who professes concern for the welfare of children.

Foster care is primarily a public function. Although the Departments of Mental Health and Youth Services have small foster care programs, most foster children are the responsibility of the

Division of Family and Children's Services in the Department of Public Welfare. The study could not have been made without the help of the Department. The Commission is indebted to Commissioner Minter and members of his staff who have devoted many hours to this effort. We are particularly grateful for the long cooperation received from social workers and supervisors in each of the offices throughout the Division who undertook the task of filling out a ten-page questionnaire for each foster child under their supervision. The Department sought to work out an arrangement for completion of questionnaires for uncovered cases¹ so that accurate information on each child's foster care would be reflected in the study.

The study was also made easier by the effort of foster parents themselves devoted to the project. Those who participated expressed the hope that the present deficiencies in foster care services would be remedied as the result of the study.

Disability Research Study

The primary foster care study has provided the basis for an additional study, seeking to determine the quality of services and the areas of need for children in the care of the Commonwealth. A study now in progress sponsored by the Commission on Children's Service Association, and the Bureau of Mental Disabilities -- of children identified in the past as having developmental disabilities -- seeks to determine the severity of the handicaps of these children and the nature and quality of services being provided for them.

Subsidized Adoption

It is apparent that there are many well-qualified adoptive parents save for the fact that they cannot afford to adopt children. Also, there are on the other hand, many children who are adopted who are classified as "hard to place" because they have physical or emotional handicaps, requiring expensive medical treatment, or they are older children, or brothers and sisters who might otherwise be separated from each other.

1

"Uncovered cases" are those children whose supervision, possibly due to departmental reorganization and a shortage of social workers, has not been assigned to any social worker. The Commission study has disclosed that on November 18, 1971, there were 6,690 such children committed to the care of the Department of Public Welfare. (There were no uncovered cases among the private agencies.)

It has been almost impossible to find families who could match their willingness to adopt these children with financial resources necessary to meet their needs. To bridge this gap the Commission drafted and supported a bill which you submitted by special message to the Legislature in April, 1971. This legislation was enacted and has enabled the Department of Public Welfare to provide subsidies to adoptive parents under a special pilot program limited to 100 children.

In 1972, the Commission lent its enthusiastic support to a bill which removed the limitation of 100 children and transformed adoption subsidy into a permanent program. This was enacted at the end of 1972 legislative session. We expect that this program will effectively free for adoption many youngsters heretofore imprisoned within the foster care system.

Adoption Legislation

The Commission made an intensive study of the adoption laws with a view to expediting the adoptive process realizing that time is of the essence in the adoption of children. The Commission drafted a legislative package which became Appendix C, of the Comprehensive Child Welfare Legislation, which you recommended to the Legislature early in 1972. It proposed three major changes in the adoption statute:

- (1) The establishment of a uniform surrender document and procedures for the surrender of children for adoption to be used by all child care agencies in the Commonwealth and in all non-agency sponsored adoptions, including a provision that the surrender of a child for adoption, once properly executed, shall be irrevocable;
- (2) Restrictions on the right of parents to withhold consent to the adoption of their children who are in foster care and who have been virtually abandoned by the parents;
- (3) Legislation to give a limited right to the father of a child born out of wedlock to apply for the adoption of that child. (This legislation was not enacted).

In addition to its own legislative proposals, the Commission has actively supported other legislation affecting services to children, viz., permission for the Commonwealth to use privately donated money to match Federal funds under the Social Security Act to be used to keep children with their own families, and the Federal Comprehensive Child Care Legislation to make available Federal funds so that the Department of Public Welfare might enlarge its services to families with serious economic problems.

Organization of Services

The Commission has examined the role which the Commonwealth plays in the evaluation, licensing and monitoring of private and public agencies providing foster care to children. It was apparent that the need for cooperation among the Departments of Public Welfare, Youth Services, Public Health and Mental Health left much to be desired. It was the Commission's recommendation to you that the Secretary of Human Services be directed to develop a single standards and licensing unit for all departments within his secretariat, and that there be a further study of foster child care facilities in certain residential schools which do not fall within the jurisdiction of the Secretary of Human Services, and that unless such schools meet the Department's licensing standards, foster children should not be permitted to attend them. These recommendations were implemented by you in the establishment of the Office for Children as a result of the legislation Your Excellency introduced in the spring of 1972. We expect that a major objective of the Office for Children will be the establishment of effective coordination among departments in the delivery of services to children.

Current Activities

The Commission is painfully aware of the fact that much remains to be done. Some areas to which the Commission has been directing its attention are clearly defined so that they may be corrected by specific action. Others involve the critical evaluation of the entire spectrum of services which the Commonwealth should provide. Of foremost importance is the preservation of a healthy and stable relationship with the family and when this is not possible, establishment of the best possible temporary care while family stability is being restored or until a new family may be provided for the child through adoption.

Establishment of Tracking System

Of major importance is the present inadequacies of the methods used in keeping track of children who come into the care of state and private agencies. Much too often children have become figuratively and sometimes literally lost after the placement in foster care. Little is known of their current status and existing opportunities to return them to their natural families, or in the alternative, to release them for adoption.

The Commission has explored the establishment of a computerized tracking system which would provide current information and frequent review of the status of each child in foster care. We believe that this is a necessity for quality services to families and children. We recommend that the newly created Office for Children take the lead in coordinating the efforts of the various public departments and private agencies responsible for the welfare of children in developing such a system.

Adoption and the Courts

A challenge which the Department has failed to meet is the problem of freeing for adoption the many children who have been abandoned to foster care by their own parents. This can be accomplished through a decree of the Probate Court which eliminates the need for obtaining the consent of the parents to the adoption of their children in those instances where parents do not give up the child voluntarily.

Until early in 1972, the Department had in effect a one man legal staff to handle these cases for the entire state; and by statute all of the cases had to be brought in the Suffolk County Probate Court. Due in part to the efforts of the Commission, more legal staff is now available and the statute amended so that these cases may be presented to any Probate Court where the Department has an office. But the legal staff is still critically undermanned, and there is still a large backlog of cases which have been filed in Court but not presented for allowance.

In February, 1972, in the Suffolk Probate Court, there were petitions on file by the Department involving forty-eight children. These cases had not been marked for trial for a period from one to more than three years. To free these children from foster care, it is not only vital that the legal staff be increased but that there be instilled within the Department and the courts a sense of urgency to get these cases moving.

Other Concerns

On a more comprehensive level, the Commission is examining the validity of the priorities given to the various services for children and the methods by which they are delivered. We urge as a primary goal a dedicated effort to keep children in their own homes through day care, homemaker services, counselling, family planning and medical services. We intend to continue to support national legislation which would make Federal funding available for such programs.

Findings and Recommendations

I. Statement of Principles

The Commission believes that a secure, stable and loving family is of fundamental importance to the healthy development of a child and that this principle must be kept in mind by those who provide foster care services to the children of this Commonwealth. In practice, this means that every effort must be made to keep families together; that once foster care becomes necessary, efforts should be concentrated on preparing biological families to care for their children again as soon as possible; and that if and when it becomes apparent that biological families are unwilling or unable to resume their parental responsibilities, immediate steps should be taken to facilitate adoption. No child, no matter what his age or special need, should be considered unadoptable.

II. Findings and Conclusions

1. Little effort is made by the Division of Family and Children's Services (formerly the Division of Child Guardianship) of the Department of Public Welfare to keep the biological family together, and the Division is crippled in preventing children from being placed into foster care by the lack of homemaker services, day care, family counselling and community-based mental health services.

- 60% of biological families had less than two weeks contact with the Division before their child entered foster care.
- 23% of the children are placed in foster care as a result of the mental illness of a parent.
- most of the biological parents felt that foster care could have been avoided if day care, family counselling or homemaker services had been provided.

2. Despite the generally temporary purpose of foster home care in theory, it is more often than not a permanent status for the child.

- 68% of the children have been in care between 4 and 8 years.
- 83% of the children have never been returned to their parents.
- the average age is 10.5 years and the average duration of placement is 5 years.

3. Foster home care is a poor people's program.

- 40% of the biological families receive welfare.

- over 60% of the biological parents earn less than \$5,000 per year.
- over 67% of the biological parents are either unemployed or hold unskilled jobs and almost 70% have never finished high school.
- the average family has 5 children and the vast majority are not living together.

4. Children in the care of the Division receive inadequate diagnostic and treatment services.

- 40% of the children have one or more disabilities.
- almost $\frac{1}{2}$ of the disabled have never been evaluated.
- more than $\frac{1}{4}$ of those who have been evaluated have not had the recommended treatment plan implemented.

5. Children in the care of the Division receive inadequate supervision or case management.

- 1,670 out of 5,862 cases are "uncovered" (not directly supervised) by a social worker.
- 70% of the children are either uncovered or have been in a social worker's caseload less than one year.
- children without social workers remain in care longer and are less likely to be adopted.

6. The Division permits most parents to maintain parental rights without demonstration on their part of significant interest in their children.

- 70% of the parents have not seen their children in six months or more.
- 31% of the parents say they never see a social worker.

7. The Division fails to effectively provide the opportunity for a permanent family through adoption.

- no procedure or unified policy on review for possible adoption when parents appear uninterested.
- in 40% of the cases in which the social worker has determined that adoption is appropriate, no steps have been taken to legally free them.
- 357 children are considered "unadoptable" because they have adjusted well to foster home care despite the fact that they might adjust as well, or better in an adoptive home.

- 676 children are considered "unadoptable" because they are too old despite the fact that 17% of them are under 12.
- less than 19% of the 775 children already freed for adoption have been referred to the Massachusetts Adoption Resource Exchange despite their success in finding homes for formerly "hard to place" children.
- $\frac{1}{2}$ of the petitions filed in court to free children for adoption were filed more than one year ago and have not yet been brought to trial, some not even marked up for trial.

8. The Division fails to give adequate support, preparation or training to foster parents.

- 20% of the foster homes are over-crowded according to the Division's own standards (more than 6 children under 16 years of age).
- 75% of the foster parents did not know of the child's disabilities at the time of placement.
- more than 75% of the foster parents never received training before accepting their first foster child.
- 93% of the foster parents must regularly use their own financial resources to cover expenses for their foster child.
- 12% of the foster parents were not contacted by a social worker before the child was placed and 36% had not met the child prior to placement.

9. The Division cannot identify the needs of children in its care or effectively report on the nature of its activities.

- many case records are incomplete.
- much information and data requested for the study was unavailable.
- there is no administrative accountability for the provision of services to the children, and, therefore, no real awareness of the scope of the need for medical and rehabilitative services.

10. A few basic statistics:

- there are 5,933 children in foster home care (as opposed to institutions or residential treatment facilities); 91% of them are in the caseload of the Division of Family and Children's Services, 9% are in the care of private agencies, most of whom are supported by the Division through purchase of service contracts.

- the average age of a foster child is 10.5 years; 77.3% are white, 14.8% black, 4.9% mixed racial.
- over 53% of the children have been placed in foster care voluntarily by their parents.
- reasons for foster care: 23% of the children are placed because of the mental illness of the parent; 13.6% as a result of neglect, abuse or inadequate homes; 9.5% as a result of divorce or desertion of a parent; 8.5% because of abandonment; 8.2% because of physical illness of the parent.

III. Recommendations

A. Immediate Steps to Benefit Children Now in Need

1. The Division should provide social worker coverage for the 1,670 "uncovered" cases, either by hiring additional workers or by purchase of service contracts with private child welfare agencies, whichever method will produce the earliest possible coverage.
2. The Division should establish a Strike Force of adoption workers and lawyers to go into all district offices and free for adoption all those children who have been abandoned by their parents.
3. All children freed for adoption should be automatically referred to the Adoption Placement Unit; all children so referred who are not placed within three months should automatically be referred from the Adoption Placement Unit to the Massachusetts Adoption Resource Exchange; use should be made of all other resources to find adoptive homes including groups of adoptive parents and foster parents.
4. All vacancies in the Adoption Placement Unit should be filled; staff and resources of the Massachusetts Adoption Resource Exchange should be immediately increased to meet present needs and further increased to accommodate future needs for placement of children identified as adoptable by this study.
5. The Division should take the list of disabled foster children which this study has shown have never been evaluated or have not had adequate rehabilitative treatment and contract for such evaluation and treatment with qualified public or private facilities. Foster parents should be given authority to arrange for such care under standards set by the Division.
6. Providing the services in Items A (1), (2), (3) and (4) above, should be the first priority for resources within the Department of Public Welfare and all other agencies within the Executive Office of Human Services. The following resources should be made available for this purpose:

